UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

WILLIAM E. DAY, II, *et al.*,   §
                                        §
        Plaintiffs,   §
                                        §
VS.   §   CIVIL ACTION NO. G-07-353
                                        §
STATE FARM LLOYDS, *et al.*,   §
                                        §
        Defendants.   §
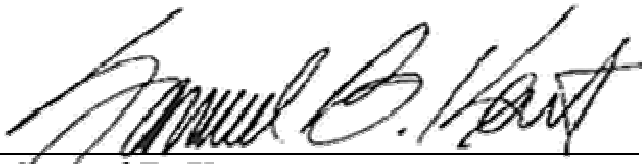
ORDER VACATING ORDER GRANTING MOTION TO REMAND

This case involves an insurance dispute between Plaintiffs William E. Day and Rebecca

G. Day ("Plaintiffs"), Defendant State Farm Lloyds Insurance Co. ("State Farm"), and Defendant

Chad Schomburg ("Schomburg").[1]   Plaintiffs originally filed this action in the 56th Judicial

Court in Galveston County, Texas.   State Farm removed the case to this Court claiming diversity

jurisdiction under 28 U.S.C. ' 1332.   Plaintiffs filed a Motion to Remand.   While the Motion

was pending, the Court received a letter from Plaintiffs' attorney stating that "Defendants now

take the position that the maximum value of this case is only $12,855.00." Since Plaintiff was

seeking remand on the grounds that there is no diversity in this case, the Court construed the

letter as a joint filing.   The Court granted the Motion to Remand and ordered State Farm to pay

Plaintiffs' attorneys' fees associated with the removal.   State Farm has now filed a Motion for

Reconsideration containing information that concerns the Court.   The Court therefore finds that

the most prudent course of action is to vacate its Order of Remand (Docket No. 15) so that this

case does not proceed unnecessarily in state court.   The Court will consider Plaintiffs' Motion to

Remand and State Farm's Motion for Reconsideration in due course.

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[1]The Court does not consider this Order worthy of publication. Accordingly, it has not
requested and does not authorize publication.

In accordance with the discussion above, the Court **VACATES** the Order of Remand (Docket No. 15). The District Clerk is **ORDERED** to submit a copy of this Order via registered mail to the 56th Judicial District Court in Galveston County, Texas.

IT IS SO ORDERED.

DONE this the 14th day of August, 2007, at Galveston, Texas.

Samuel B. Kent
United States District Judge